

34745

SERVICE DATE - JUNE 10, 2004

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

AB-6 (Sub-No.419X)

**THE BURLINGTON NORTHERN AND SANTA FE COMPANY -
ABANDONMENT EXEMPTION - IN GRIGGS AND BARNES COUNTY, ND**

BACKGROUND

The Burlington Northern and Santa Fe Company (BNSF) has filed a notice of exemption under 49 CFR 1152 to abandon its line of railroad between M.P. 22.00 near Walum, in Griggs County, North Dakota and M.P. 17.31 near Dazey, in Barnes County, North Dakota, a total distance of 4.69 miles. A map depicting the rail line in relationship to the area served is appended to the report. If the exemption becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances, and to dispose of the right-of-way.

CONTACTS AND PROCEDURES

The railroad has submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The railroad has served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Board's environmental rules at 49 CFR 1105.7(b). We have investigated the record in this proceeding. Also, we have consulted with appropriate agencies and individuals to verify the railroad's report and to obtain additional information and comments regarding the potential environmental effects of the proposed abandonment. Contacts have included Natural Resources Conservation Service, State Historic Preservation Officer, National Park Service, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, U.S. Department of Agriculture, and National Geodetic Survey.

ENVIRONMENTAL REVIEW

Applicant states that no local traffic has moved over the line for a least two years. BNSF explains in its application that the proposed abandonment would be consistent with existing land use plans. The Natural Resources Conservation Service advises that because the rail bed would be left intact and only rails and ties would be removed, no prime farmland would be affected. Applicant states that the abandonment and salvage activities should have no adverse effect on health or public safety. Nevertheless, during salvage activities, precautions would be taken to

ensure public safety, and contractors would be required to satisfy all applicable health and safety laws and regulations. Abandonment would not result in the transportation of hazardous materials. However, BNSF states that it leased property to Rogers Fertilizer doing business as North Central Oil at Dazey, North Dakota. The lease ended in 1/13/99. BNSF contends that it is not aware of any hazardous materials spills on the property, however, a small amount of gasoline and other petroleum hydrocarbons have been located on the leased site adjacent to the operating right-of-way at Dazey. The US Fish and Wildlife Service (USFWS) states that approximately one mile of the line crosses its wetland easements in T.143 N., R. 59 W., Section 19, NE1/4SE1/4, and Section 30. USFWS recommends that when removing track material, no fill should be placed in the wetlands, and there should be no hydrologic alterations that may drain or otherwise affect the wetland. Draining, filling or burning the wetlands may constitute an easement violation. The Bureau of Land Management advises that it has no wildlife sanctuaries or refuges, National or State parks or forest in the proposed project area. The North Dakota Parks and Recreation (NDPR) states that the proposed abandonment does not affect state park lands or Land and Water Conservation Fund recreation projects. NDPR recommends that any impacted areas be revegetated with species native to the project area. The US Army Corps of Engineers states that the proposed project, as presently designed, could be accomplished without discharging in a jurisdiction area and therefore, a Section 404 permit would not be required.

CULTURAL RESOURCES

The railroad submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. The railroad served the report on the State Historic Preservation Officer (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO reviewed the proposed project and recommended that a Class I Cultural Resources Inventory (i.e. files search) of the Areas of Potential Effect (APE) be prepared and submitted to the SHPO for consultation. SHPO also recommends that the one bridge on the line over 50 years of age be formally recorded on North Dakota Cultural Resource Survey site forms. SHPO requests that the recording be completed by a state permitted cultural resource firm/architectural historian, and include preliminary evaluations. Based on the information and recommendations provided by the SHPO, we recommend that BNSF retain its interest in and take no steps to alter the historic integrity of the line and all sites and structures on the line until the completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

The National Geodetic Survey (NGS) states that six geodetic station markers, H 53, D 295, H 205, G 53, W449 and F 53, have been identified in the proposed abandonment area that may be affected by any salvage activities. We recommend that if there are any planned activities which would disturb or destroy these markers, BNSF shall notify NGS not less than 90 days in advance of such activities in order to plan for relocation of the markers.

CONDITIONS

SEA recommends that the following conditions be placed on any decision granting abandonment authority:

1. BNSF shall retain its interest in and take no steps to alter the historic integrity of the line

and all sites and structures on the line until the completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

2. BNSF shall consult with the USFWS if when removing track material any fill is placed in the wetlands, or if any hydrologic alterations occur that could drain or otherwise affect the wetland on the property.
3. As recommended by the North Dakota Parks and Recreation, BNSF shall revegetate any impacted areas with species native to the project area.
4. As advised by The National Geodetic Survey, six geodetic station markers, H 53, D 295, H 205, G 53, W449 and F 53, have been identified in the proposed abandonment area that could be affected by any salvage activities. If there are any planned activities which would disturb or destroy these markers, BNSF shall notify NGS not less than 90 days in advance of such activities in order to plan for relocation of the station markers.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

Following abandonment and any salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Room 848, Washington, DC 20423.

COMMENTS

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of Phillis Johnson-Ball, who prepared this environmental assessment. **Environmental comments may also be filed electronically on the Board's web site, www.stb.dot.gov by clicking on the "E-Filing" link. Please refer to Docket No. AB 6 (Sub No. 419X) all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Phillis Johnson-Ball at (202) 565-1530.

Date made available to the public: 6/10/04.

Comment due date: 6/25/04.

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment

WALUM - DAZEY, NORTH DAKOTA

HANNAFORD

GREENFIELD

WALUM

MILEPOST 22.00

NORTH

LAKE TOWN

DAZEY

DAZEY

MILEPOST 17.31

RAY HOLLAND MARSH
STATE WILDLIFE AREA

STATE WILDLIFE

